

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

May 8, 2002

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Personnel Report *(Dianne Broussard)*

New Employee Hires

Sylvia Wellnitz began work as an Office Technician in the Business Services Section on March 18, 2002. She came to us from CAL/EPA's Regional Permit Assistance Center in downtown San Diego. She is working primarily with Mike Gallina to learn all of the file room operations.

Promotions

Craig Carlisle was promoted to Senior Engineering Geologists on April 1, 2002. Craig is in charge of the Pollutant Load Reduction Program Unit.

Separations

Adam Laputz has left the Publicly Owned Treatment Works Compliance Unit to accept a position with the State Water Resources Control Board Division of Water Quality in Sacramento.

Recruitment

We are recruiting for Water Resources Control Engineers or Environmental Scientists in the Publicly Owned Treatment Works Compliance Unit, the Compliance Assurance Unit and the Water Quality Standards Unit. We are still waiting for approval from Department of Finance for our freeze exemption request to promote Stacey Baczowski to supervisor of the Watershed Protection Southern Region Unit.

2. Visitors to the Office *(DiAnne Broussard)*

During the month of March 2002, we received 255 visitors to the Regional Board office. During the month of April 2002, we received 272 visitors bring the total so far this year to 1074. A total of 2386 persons visited the Regional Board office in 2001.

3. Department of Defense (DoD) NAS North Island Tour *(John Anderson & Charles Cheng)*

On January 16th representatives from the State Board and all Regional Boards participated in an environmental tour of 7 sites under remediation at NAS North Island. There are 3-two day DoD roundtable meetings scheduled each year that are rotated between the regional boards. As part of the Round Table meeting, the host regional board coordinates a tour of a local DoD facility. The purpose of the tour was to: 1) observe examples of cleanup technologies that work and some that do not work; 2) take the opportunity to

view the vast differences/contrasts in remedial approach by the various bases; 3) see first-hand the Site Characterization and Analysis Penetrometer System (SCAPS) rig used for rapid site assessments; 4) network with other Regional Board staff; 5) take the opportunity to include local Regional Board staff from other cleanup programs (Underground Tank and Spills, Leaks, Investigation & Cleanup Programs) which promotes better coordination, and 6) evaluate examples of remedies that consider future land use issues. The tour was a great success and a letter of appreciation was sent to Captain Gary Engle, Commander, Southwest Division Naval Engineering Command.

4. AHMP Presentation *(Tom Alo)*

The San Diego RWQCB was invited to give a presentation at the Association of Hazardous Materials Professionals luncheon meeting on April 23, 2002. Tom Alo, Water Resource Control Engineer, gave a Microsoft PowerPoint presentation to the audience (approximately 40-50 people) on the Regional Board's current approach to address contaminated sediments in San Diego Bay. The presentation provided a brief overview of the Regional Board's June 2001 sediment guidelines, beneficial uses designated for San Diego Bay, identifying impaired beneficial uses due to contaminated sediments, restoring impaired beneficial uses, and selecting sediment cleanup levels.

5. San Diego Unified School District Storm Water Workshop *(Benjamin Tobler and Don Perrin)*

On April 11, 2002, Benjamin Tobler and Don Perrin of the Regional Board staff participated as panel members in a stormwater workshop hosted by the County of San Diego for the San Diego Unified School District (SDUSD). The workshop focused on specific challenges schools will be facing to stay consistent with municipal storm water requirements and the new EPA Phase II requirements currently scheduled to come into effect in March 2003. The unique nature of building new schools, including a permitting process that is largely outside of local municipal authority, was recognized as potentially problematic in the school's efforts to remain consistent with stormwater requirements. The SDUSD was encouraged by the Regional Board staff to work with both the RWQCB and local authorities to meet State and local requirements in the most economically viable way.

6. Watershed Perspectives Conference *(Ben Neill)*

On April 25 and 26, 2002, several Regional Board members and staff attended a conference in San Diego titled Watershed Perspectives: Protecting the Quality of Life in Coastal Southern California. The County of San Diego in partnership with several other public agencies organized the conference. The keynote speaker was Celeste Cantu, Executive Director, State Water Resources Control Board. Following the keynote speaker, Executive Officer John Robertus, spoke about the Regional Board's views on watershed protection. Board Member Dr. Richard Wright chaired a session on watershed science in southern California and Baja California. Bruce Posthumus, Senior Water Resources Control Engineer, chaired a session on Watershed Assessment Tools & Case Studies. Later in the conference, Bruce spoke on tips for submitting funding proposals to the Regional and State Boards. The luncheon speaker on April 26th was Board Chairman John Minan. He spoke about the history of legal cases affecting watershed protection.

The conference was informative on watershed topics such as urbanization, hydrology, habitat, cross border watersheds, modeling methods, public agencies, water supply, urban runoff, watershed integration, communication, environmental economics, watershed programs and funding. In comparison to past conferences of a similar nature, the conference participant's mood was very positive and open to ideas in protecting coastal southern California's water quality.

7. BMP Clearinghouse by Orange County Coastal Coalition (*Jeremy Haas and Bob Morris*)

On April 25, 2002 staff attended a half-day workshop on urban runoff BMPs sponsored by the Orange County Coastal Coalition and the County of Orange. Twelve speakers, representing local governments, special districts, and consultants, discussed a variety of BMP approaches from reducing sewage spills at restaurants to diverting or treating dry-weather flows. Experience with treatment approaches was primarily discussed, but most speakers commented that in the long-run source control and pollution prevention are more efficient and, therefore, preferable. Some of the projects discussed were the Natural Treatment Systems in Irvine Ranch, the City of Dana Point's Storm Drain Filter Implementation Program, and the City of Laguna Niguel's ultraviolet treatment device and Wetland Capture and Treatment Network (WetCAT). The City of Dana Point has installed 508 storm drain filters at a cost of \$167,000. Approximately 56 tons of debris was collected by these systems from October 2000 through November 2001. The City of Laguna Niguel has initiated final phase construction of the WetCAT network of three wetlands that together will treat 100% of dry-weather urban runoff from the J03P02 drainage area (0.8 square miles, residential land use) before discharging to Sulfur Creek, a tributary of Aliso Creek. Once the WetCAT system is complete, the City hopes to remove the ultraviolet treatment device currently at the J03P02 outfall.

At the workshop, several BMP vendors had displays of their products. While most products on display were treatment devices, two source control products included a soil tackifier to reduce erosion of exposed construction site slopes and a synthetic turf reinforcement mat that allows vegetation to root, which was promoted as an alternative to rip rap for high flow channel bank stabilization.

8. City of San Diego Clean Water Task Force Continues to Meet (*John Robertus*)

The City of San Diego Clean Water Task Force, chaired by Mayor Dick Murphy met on April 18, 2002 to discuss several clean water initiatives and programs. The quarterly meetings typically review issues of importance to the City and the local community. The Task Force members consist of several City of San Diego elected officials, a County of San Diego Supervisor, key representatives of several environmental organizations, representatives of academic, governmental and business organizations and I participate as the Regional Board representative. During the April meeting, Karen Henry of the City of San Diego Storm Water Department, provided an in-depth report on beach postings, closures and water quality protection efforts. Chris Toth of the Metropolitan Wastewater Department presented a progress report on the grease abatement efforts in the city sewer system. For the remaining time, there was a report on the tasks, priority and funding requirements for the implementation of the City of San Diego Urban Runoff Management

Program. We can anticipate a continuing dialogue between state, county and municipal leaders to determine the best means to establish and support the long term needs for abatement of urban runoff pollution. I will continue to attend these meetings and encourage the staff members and the public to attend.

9. Presentation for the San Diego County Flower & Plant Association (*John Robertus*)

I attended an evening event sponsored by the San Diego County Flower and Plant Association on the invitation of Board Member Eric Anderson. He requested that I speak to the attendees on the Regional Board's ongoing efforts to address both urban and rural non-point sources of pollution that should be of concern to the growers. There were about 75 persons in attendance including growers, agricultural consultants and local community leaders. The event occurred in the facilities of the Ecke Ranch in Encinitas and was conducted in concert with a flower show. After my brief presentation there was spirited question and discussion session with great interest in Best Management Practices and the Municipal Storm Water permit provisions. This event was a valuable opportunity to reach the agricultural community in our region.

10. Bring Your Child To Work Day (*Laurie Walsh*)

On April 22, 2002 the Regional Board participated in "Bring Your Child To Work Day." The day was a huge success with both children and staff. Twenty two children from fourteen staff members participated in the day.

Our day began with a pot luck breakfast. During breakfast children received their very own Regional Board badge with their picture on it prepared by Rina Daylot. This was a great souvenir from the day. After breakfast we were off to tour the Miramar Landfill. At the landfill, the children learned where their trash goes, how we recycle our cans, plastics, and yard waste. The children saw a landfill in operation and were treated to a ride on a dozer. It was a wonderful opportunity for the children to learn how a landfill works and how the City of San Diego and their parents work together to protect water quality from landfill discharges. After the tour we headed back to the Regional Board office for a pizza lunch.

Afternoon activities included a ground-water aquifer and storm water demonstration. Jody Ebsen conducted an interactive ground-water aquifer activity using food to simulate how a ground-water aquifer works. The children built their own "aquifer" out of crushed ice (a.k.a. rock), ice cream (a.k.a. clay layer), and 7-up (a.k.a. ground water). Using food coloring to simulate ground water pollution and a straw as a well, the children got to see how pollution acts in an aquifer and it was edible! Mo Lahsaiezadeh ran our storm water runoff model. Here the children learned what types of pollutants are found in storm water and where storm water goes – to lakes, streams and the ocean.

Our day ended with a tour of the Padre Dam Water Reclamation Facility in Santee. Here the children learned how wastewater is treated and recycled. Everyone now knows what flows through the "purple pipes." Our tour included a look into their lab where the

children saw micro organisms actually eating the sludge. It was a very successful, entertaining, and educational day for all.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott)* *(Attachment B-1)*

In April 2002, there were 37 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 24 of these spills reached surface waters or storm drains, and two resulted in closure of recreational waters. Of the total number of overflows from public systems, 20 were 1,000-gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

An additional 13 sewage overflows from private property were also reported in April, of which two were 1,000 gallons or more. Ten of the private property spills reached surface waters or storm drains, but none resulted in closure of recreational waters.

A total of 0.63 inches of rain was recorded at San Diego's Lindbergh Field in April. For comparison, 0.46 inches of rain was recorded, and 36 public SSOs were reported in March 2002; in April 2001, 0.76 inches of rain was recorded and 39 public SSOs were reported.

One Notice of Violation (NOV) was issued in April for significant overflows. The NOV was issued to the following agency:

USMC Camp Pendleton

USMCB Camp Pendleton reported two significant sanitary sewer overflows (SSO) from its collection system in March 2002. A 3,000-gallon SSO (2,500 gallons recovered) occurred on March 20 due to a sewer line blockage from roots and grease; the overflow entered a storm drain that discharges to the Santa Margarita estuary. A 19,000-gallon SSO (3,000 gallons recovered) occurred on March 25 due to a pump station failure; no surface waters were impacted.

2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji)* *(Attachment B-2)*

TMDL Fundamentals

Section 303(d)(1)(A) of the Clean Water Act requires that "Each State shall identify those waters within its boundaries for which the effluent limitations are not stringent enough to implement any water quality standard applicable to such waters." The Clean Water Act also requires states to establish a priority ranking for waters on the section 303(d) list of impaired waters and to establish Total Maximum Daily Loads (TMDLs) for such waters. The TMDL program is the State Board's highest priority program.

The purpose of a total maximum daily load (TMDL) is to attain water quality objectives and restore and protect the beneficial uses of an impaired water body. A TMDL is defined as “the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2) such that the capacity of the water body to assimilate pollutant loading (i.e., the Loading Capacity) is not exceeded.

The TMDL process begins with the development of a technical TMDL which includes the following 8 components: (1) A **Problem Statement** describing which water quality objectives are not being attained and which beneficial uses are impaired; (2) identification of **Numeric Targets** which will result in attainment of the water quality objectives and protection of beneficial uses; (3) A **Source Analysis** to identify all of the point and nonpoint sources in the watershed and estimate the current pollutant loading from each; (4) a calculation of the maximum **Loading Capacity**, or TMDL, of the waterbody for the pollutant; i.e., the maximum amount of the pollutant that may be discharged to the water body without causing exceedances of water quality objectives and impairment of beneficial uses; (5) a **Linkage Analysis** to confirm that the TMDL, or Loading Capacity, will result in the attainment of the water quality objectives; (6) the division and **Allocation** of the total Loading Capacity amongst each of the contributing sources in the watershed, waste load allocations (WLA) for point sources and load allocations (LA) for non point sources; (7) a **Margin of Safety** (MOS) to account for uncertainties in the TMDL analysis; and (8) a description of how **Seasonal Variation and Critical Conditions** are accounted for in the TMDL. The document containing the above components is generally referred to as the Technical TMDL.

Upon completion of the Technical TMDL, a plan to implement the TMDL is developed along with a plan to monitor the results. The **Implementation Plan** describes the actions needed by each of the point and nonpoint source dischargers in the watershed to meet the load reductions specified in the TMDL and a time schedule taking such actions. The Implementation Plan also identifies all agencies with authority to take pollutant-reducing actions and describes such actions. The purpose of the Monitoring Plan is to assess and to document the progress of the effectiveness of the load reduction activities in attaining water quality objectives and restoring beneficial uses.

Upon completion, the regulatory provisions of the TMDL, Implementation Plan, and Monitoring Plan are incorporated into the Region's Water Quality Control Plan, or Basin Plan. This is accomplished via a formal action by the Regional Board to amend its Basin Plan in a public hearing process. As with any Basin Plan amendment involving surface waters, a TMDL adopted by the Regional Board will not take effect until it has undergone subsequent agency approvals by the State Water Resources Control Board (SWRCB), the Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA).

Total maximum daily loads are not self-implementing; nor are they enforceable simply by incorporation into the Basin Plan. Rather a TMDL must be made enforceable by the

Regional Board in one of two ways: (1) the TMDL and load allocations are incorporated into waste discharge requirements and NPDES permits; or (2) a formal prohibition against a particular discharge of waste is established in the Basin Plan. The TMDL must then be implemented by the responsible point and nonpoint source dischargers of the pollutant within the watershed. In other words, each responsible party must take any load reduction actions necessary to comply with its assigned load or waste load allocation as specified in the TMDL.

General Progress on TMDL Projects

Currently, there are seven TMDLs in progress. Two of the seven, Rainbow Creek – Nutrients and Chollas Creek – Diazinon will be presented to the Regional Board for consideration of adoption this fiscal year, tentatively May 2002 and June 2002, respectively. A meeting with representatives from the Regional Board, San Diego Unified Port District, and City of San Diego is scheduled for May 15, 2002. The purpose of this meeting is to discuss future TMDL projects for San Diego Bay.

Chollas Creek - Diazinon *(Linda Pardy and Jimmy Smith)*

The draft of the Chollas Creek TMDL for Diazinon was released for public review on June 28, 2002, initiating the 45-day public review and comment period. The complete TMDL package consists of the draft Resolution, draft Basin Plan Amendment, and draft Technical Report with attachments. Copies of the package have been forwarded to key stakeholders by both e-mail and US mail. The complete package is also available on the Internet at the Regional Board's website at www.swrcb.ca.gov/rwqcb9. A Public Workshop on the draft TMDL is scheduled for May 17, 2002 at the Metropolitan Wastewater Department Auditorium at 9192 Topaz Way beginning 9:00 am. The Public Hearing to consider incorporation of the Chollas Creek Diazinon TMDL into the Basin Plan is scheduled for the June 12 Board meeting. The draft TMDL document is entitled "Resolution No. R9-2002-0123, Basin Plan Amendment and Technical Report for Total Maximum Daily Load for Diazinon in Chollas Creek Watershed, San Diego County".

Rainbow Creek - Nutrients *(Lisa Brown and Alan Monji)*

A public workshop was held on April 11, 2002 in the Regional Board Hearing Room. Staff presented the proposed TMDLs, an overview of the staff report, and the recommendations that will be made to Regional Board at the Public Hearing. Public comment letters from Hines Nurseries and the County of San Diego have been received to date. Responses to comments and changes to the staff report are being prepared. The Public Hearing for the Regional Board to consider incorporating the TMDLs into the Basin Plan will be conducted at today's Board Meeting.

Chollas Creek - Metals *(Lisa Brown and Alan Monji)*

The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review, and these draft documents are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments on these drafts.

The drafts of the Load Allocations, Linkage Analysis, and Margin of Safety are complete and have been reviewed by Regional Board staff. However, these drafts need revision since new data were collected in Chollas Creek after the original drafts were completed, and the data may alter load allocations and source estimates. The Chollas Creek draft revisions are on hold while staff focuses attention on completing the Rainbow Creek Nutrients TMDLs. When work on this TMDL resumes, it will be conducted by newly assigned staff members (the staff person that developed this TMDL recently resigned).

Shelter Island Yacht Basin - Dissolved Copper (*Lesley Dobalian and Christina Arias*)

The draft Technical TMDL and Implementation Plan is undergoing internal review, and will be sent out for peer review in the near future. Staff is in the process of drafting the Basin Plan amendment and tentative Resolution. The Regional Board Public Hearing to consider amending the Basin Plan to incorporate the TMDL is expected to be scheduled for August 2002.

On April 17, 2002 staff attended the first meeting of the San Diego Advisory Committee for Environmentally Superior Antifouling Paints, the formation of which was mandated under Senate Bill 315 (Alpert). The purpose of the committee is to advise in the preparation of a report by the University of California that identifies economic incentives necessary to ensure that nontoxic alternatives to metal-based antifouling hull coatings are used for recreational vessels. The committee consists of representatives from the Regional Board, San Diego Unified Port District (Port), San Diego Port Tenants Association, Department of Boating and Waterways, U.C. Sea Grant Extension, Driscoll Custom Boats and Driscoll West, California Department of Pesticide Regulation, U.S. Navy SPAWAR Systems Center, Environmental Health Coalition, and a recreational boat owner. The economics incentives study and report will be conducted and produced by Dr. Richard Carson, a professor at the Economics Department of UCSD.

At the committee meeting, it was agreed that the objective of the report is to assist in the phaseout of copper-based antifouling paints. The potential environmental and economic implications of an area-wide ban were discussed, along with economic incentives and options that may be implemented to help achieve a ban. Staff provided an update on the Shelter Island Yacht Basin (SIYB) TMDL for dissolved copper. The committee also discussed other projects underway for reducing dissolved copper at SIYB. For example, the Port has applied nontoxic antifouling paint to 11 of their boats, and is planning to track the costs associated with paint application and maintenance over time. In addition, through funding provided by a Clean Water Act (CWA) 319(h) grant, U.C. Sea Grant Extension Program will be conducting a demonstration project in San Diego Bay on recreational vessels painted with nontoxic antifouling paints over the summer of 2002. The economics incentive report will be submitted on or before December 31, 2002 to the Legislature, the Regional Board, and the Department of Boating and Waterways, which is providing the funds for the preparation of the report.

On April 16, staff attended a public meeting on the draft technical TMDLs for Toxic Pollutants in San Diego Creek and Newport Bay, which are being established by USEPA pursuant to 1997 consent decree. The draft document includes a TMDL for dissolved copper in Newport Bay. In the technical analysis, USEPA identified passive leaching and in-water hull cleaning of recreational boats painted with copper-based antifoulants as the most significant sources of dissolved copper, similar to SIYB. USEPA is scheduled to adopt the technical TMDL in June 2002. The Santa Ana RWQCB (Region 8) will develop the implementation portion of the TMDL at an undetermined date in the future.

San Diego Bay/Near Chollas Creek – Contaminated Sediment *(Alan Monji and Tom Alo)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

On April 17, 2002, Southern California Coastal Water Research Project (SCCWRP) and the U.S. Navy informally presented the initial results of the sediment quality data that has been collected to date to Regional Board staff. The data included sediment chemistry, toxicity, benthic community composition, and bioaccumulation. A formal presentation of these same results will be given at a public workshop scheduled in June 2002. The purpose of the workshop is to update our Board members and the public on contaminated sediment sites in San Diego Bay that are currently undergoing investigation and remediation activities. Following the workshop, it is anticipated that another informal presentation will be conducted by SCCWRP and the U.S. Navy to the Regional Board to discuss the quality of the data, determination of impacts for each sediment quality indicator, assessment of impairment at each station, and evaluation of spatial contamination patterns.

San Diego Bay/Seventh Street Channel – Contaminated Sediment *(Tom Alo and Brennan Ott)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

On April 17, 2002, SCCWRP and the U.S. Navy informally presented the initial results of the sediment quality data that has been collected to date to Regional Board staff. The data included sediment chemistry, toxicity, benthic community composition, and bioaccumulation. A formal presentation of these same results will be given at a public workshop scheduled in June 2002. The purpose of the workshop is to update our Board members and the public on contaminated sediment sites in San Diego Bay that are currently undergoing investigation and remediation activities. Following the workshop, it is anticipated that another informal presentation will be conducted by SCCWRP and the U.S. Navy to the Regional Board to discuss the quality of the data, determination of impacts for each sediment quality indicator, assessment of impairment at each station, and evaluation of spatial contamination patterns.

Mission Bay –Bacteria *(Christina Arias and Lesley Dobalian)*

Staff has recently completed review of a lengthy compilation of background information pertaining to Mission Bay and has started developing the Problem Statement and Numeric Targets.

Staff is currently in the process of becoming familiar with the plethora of ongoing and proposed projects involving Mission Bay water quality and with the other agencies having oversight responsibilities. This includes the City of San Diego and the County of San Diego's Department of Environmental Health. Both agencies routinely conduct extensive bacterial sampling; the City samples in the upper reaches of the watershed and the County samples around the Bay shoreline. Staff recently accompanied the City on a field sample collection effort to observe the sampling regime and will accompany the County on a similar field effort in the near future. The information gained from the field observations and sample collection will be used to develop the TMDL Problem Statement and Source Analysis

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in April 2002
(Stacey Baczkowski)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
4/11/02	San Diego Harbor Excursion	Bay Café Piles	Remove and replace concrete jackets from 14 piles.	Conditional
4/15/02	City of San Diego, Metropolitan Wastewater Department	Torreyana Canyon Emergency Sewer Repairs	Access road for repair of sewer line leak.	Conditional
4/15/02	U.S. Border Patrol	San Diego Surf Fence Maintenance and Repair	Replace and maintain the existing surf fence.	Conditional
4/15/02	Santa Fe Irrigation District	Lake Hodges/San Dieguito Flume Replacement Project	Replacing an open flume with a 36-inch pipeline along a 4.5 mile route from Lake Hodges Dam to the San Dieguito Reservoir.	Conditional
4/15/02	Drew Peterson	Peterson Single Family Residence	Construction of a single family home on a 4.3 acre site.	Conditional
4/15/02	Port of San Diego	Replacement of 4 Docks in San Diego Bay	Replacement of 900 ft ² to 1600 ft ² to comply with American With Disabilities Act, with new gangway, floating dock, 4 piles, ramp, and landing structure.	Standard
4/17/02	Department of	Culvert Repair	Construction of a	Standard

	Transportation		concrete junction structure at the outlet of the remaining culvert and extension of the culvert towards Murphy Canyon for approximately 282 ft.	
4/18/02	City of Coronado	Silver Strand Improvement Project	Improvements along SR-75 including construction of an observation deck and information panels and benches, repairs of parking lot and bike path, and bike path spur	Conditional

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Certificate of Completion – Former McCleaners Dry Cleaning Facility (*Pete Peuron & John Anderson*)

In June of 1996, soil and ground water in the vicinity of the McCleaners Dry Cleaning facility was found to be impacted with tetrachloroethene (PCE) contamination related to dry cleaning operations. The landowner, Connecticut General Life was identified as the party responsible for environmental compliance at the site. Subsequent investigations established the need for remedial action. In March of 1997, the California Environmental Protection Agency (CalEPA) designated the San Diego Regional Board as the lead agency under Chapter 6.65 of the California Health and Safety Code. As the lead agency, the Board is required to “administer all state and local laws, ordinances, regulations, and standards that are applicable to, and govern, the activities involved with site investigation and remedial action” (HSC Chapter 6.65, Section 25264(a)(1)). From March of 2000 to September of 2001 soil and groundwater were cleaned up using air sparging and soil vapor extraction. On March 27, 2002 the Board issued a Certificate of Completion based on the determination that Connecticut General Life has complied with all applicable state and local laws, ordinances, regulations, and standards concerning site mitigation. (HSC Section 25264).

5. Aquatic Pesticide NPDES General Permit (*Pete Michael*) (*Attachment B-5*)

On March 12, 2001 under *Headwaters vs. Talent Irrigation District*, the Ninth Circuit Court of Appeals issued an opinion that National Pollutant Discharge Elimination System (NPDES) Permits under the Clean Water Act are required for direct applications of aquatic pesticides to waters of the United States. The State Water Resources Control Board responded by adopting an emergency general permit, Water Quality Order No. 2001-12-DWQ, in July 2001. Other western states in the Ninth Circuit jurisdiction appear to be watching California's actions and have not yet implemented comprehensive NPDES permit programs for aquatic pesticides. Eleven public agencies, principally water districts, have filed notices of intent for coverage under the State Board's emergency general permit in the San Diego Region and have submitted monitoring plans to the Regional Board. Although homeowners' associations are eligible for coverage under the

emergency general permit, none has filed notices of intent nor have any applied for individual NPDES permits from the Regional Board.

On August 29, 2001 after the State Board adopted the emergency general NPDES permit, the State Board and public agencies, such as water districts receiving coverage under the permit, were sued by DeltaKeeper and San Francisco BayKeeper (WaterKeepers) in Alameda County Superior Court. The January 28, 2002 Settlement Agreement (attached) specified monetary penalties and changes to the monitoring procedures. Recently, the State Board has begun to take actions to address the WaterKeepers' lawsuit settlement agreement. These actions are to be taken by the State Board, regional boards, and water districts:

- Posting during pesticide applications. Regional boards shall require dischargers to install warning signs at application sites and notify downstream users.
- Monitoring plan review. The San Francisco Estuary Institute has begun reviewing monitoring plan proposals to assure quality and consistency of field and lab procedures. The State Board will develop an aquatic pesticide monitoring plan no later than July 1, 2002.
- Less-toxic alternatives. The State Board will explore alternatives to the use of aquatic pesticides.
- Notice of Exclusion. The State Board will ask Regional Boards to "examine with heightened scrutiny each Notice of Intent they receive from a homeowners' association ... and ... issue a Notice of Exclusion to any homeowners' association if it proposes to discharge aquatic pesticides solely for an aesthetic purpose or not for the public purpose of protecting waterways and/or public health from harmful organisms."

The Notice of Exclusion is a notice to dischargers that the State Board's emergency general permit does not apply to the discharge and that an individual NPDES permit could be required. The review of homeowners' associations monitoring plans in the Settlement Agreement appears to address concerns raised by the San Diego Regional Board at the July 18, 2001 Board meeting prior to the State Board hearing on the emergency general permit. On July 18, 2001 the Executive Officer sent a memorandum to the State Board Executive Director with this statement: "In the meeting, the San Diego Regional Board expressed its concern about classifying homeowner associations as public entities for purposes of the general permit. The Regional Board is concerned that because private associations may be expected to act on behalf of their members but may not have experience acting on behalf of the people of the state, that individual NPDES Permits may be appropriate for these associations."

In a related matter to *Headwaters vs. Talent*, on March 29, 2002 USEPA General Counsel Robert Fabricant issued an opinion that irrigation return flows were exempt from point-source regulation under the Clean Water Act. The State Water Resources Control Board Chief Counsel on April 8, 2002 countered that the USEPA opinion was too broad in defining irrigation return flows and that applicators of aquatic pesticides could be liable if

they do not apply for NPDES permits. The Settlement Agreement between State Board and WaterKeepers is attached (B-5).

6. Mr. Ernest Moretti ACL Complaint Update (*Barry S. Pulver*)

A public hearing on Complaint No. R9-2002-0053 for administrative assessment of civil liability against Mr. Ernest Moretti for noncompliance with Water Code section 13267 was held on April 10, 2002. During the public hearing Mr. Moretti provided testimony that although he agreed with the facts presented by Regional Board staff supporting the administrative civil liability (ACL), he does not have the financial resources to pay the proposed ACL. The Regional Board voted to continue the public hearing to the August 14, 2002 Regional Board meeting to allow Mr. Moretti reasonable time to provide financial documents and for the Regional Board to independently evaluate his ability to pay the proposed ACL.

In a letter dated April 11, 2002, the Executive Officer requested that Mr. Moretti submit, no later than May 15, 2002, financial documents that describe his current financial condition. Mr. Moretti was notified in the April 11 letter that if he fails to submit the financial documents by May 15, 2002, the Regional Board likely will not complete the independent evaluation by August 1, 2002. This is the date when the agenda material is submitted to the Regional Board members. Should this occur, the Regional Board will not have the evaluation of his ability to pay when they deliberate on whether or not to issue the ACL.

7. Chevron Products Company Underground Pipeline Rupture Update (*Barry S. Pulver*)
(Attachment B-7)

Tri-County Drilling, Inc. (Tri-County) ruptured an underground gasoline pipeline owned by Chevron Products Company (Chevron) during the drilling of a soil boring on February 1, 2001, causing an immediate release of an estimated 400 to 2,730 gallons of unleaded gasoline into soil and groundwater. The rupture occurred at the NASSCO Shipyard approximately 800 feet from San Diego Bay. AMEC Earth and Environmental, Inc. (AMEC) directed Tri-County to drill the soil boring as part of a geotechnical investigation conducted along Belt Street for the City of San Diego (City). The City, AMEC, and Tri-County are collectively referred to as the "dischargers."

Because the dischargers would not voluntarily conduct corrective action, pursuant to Water Code section 13267 the Regional Board ordered the dischargers to submit an adequate preliminary site conceptual model and a workplan to conduct a soil and groundwater investigation to the Regional Board by January 25, 2002. The date of this order was November 13, 2001. In response to the order, AMEC and the City requested that the Regional Board conduct a hearing to review the legal and factual basis for the order. The Regional Board agreed to conduct the hearing, but made clear to the dischargers that the reports were still due on January 25, 2002.

Staff evaluated the evidence submitted by the dischargers and Chevron in a technical report. Based on the findings and conclusions presented in the staff technical report, the

Regional Board issued Order Number R9-2002-0083 upholding the findings of the November 13 order and requiring the dischargers to comply with the requirements of that order. A copy of Order Number R9-2002-0083 is attached (B-7).

Because the required reports have not been submitted, the Executive Officer contacted the City of San Diego Mayor's office to make the Mayor aware of the potential civil liability the City was accruing for failing to comply with the November 13 order and Order Number R9-2002-0083. In response to the Executive Officer's communications, the City notified the Regional Board that they will contract with a consultant to prepare the workplan and preliminary site conceptual model, and will participate voluntarily in the Aboveground Petroleum Storage Act oversight cost recovery program. AMEC and Tri-County have not responded to the Regional Board's most recent order.

8. Success Story at NAS North Island Fuel Farm (*Charles Cheng*)

Naval Air Station North Island (NASNI) Fuel Farm is located at the NW edge of North Island by the San Diego Bay, and is composed of large (50,000 to half million gallons) field constructed concrete and steel tanks. Large quantities of fuels, mostly JP-5 fuel and low flash-point, highly leaded aviation gasoline, have leaked into the ground at the Fuel Farm. A free-product plume, up to 3 feet thick, exists on the water table and covers an area of approximately 8 acres. Off site migration of free-product and contaminated groundwater threatens beneficial uses of San Diego Bay. Under Regional Board's oversight, the Navy has conducted extensive site investigation and active corrective action at the site. A product pump and treat system and a vacuum enhanced product recovery system were installed and have been in continuous operation since 1996. To date, 206,222 gallons of fuel (out of an estimated 1 million gallons) have been recovered, and 19,271,000 gallons of contaminated groundwater pumped and treated. This continuous, aggressive free-product removal action has controlled the migration of free-product and contaminated groundwater toward the San Diego Bay. The size of the free-product plume and fuel saturation levels in the soil continue to decrease from previous measurements. Also under Regional Board's oversight, the Navy has used this site to test and develop new site assessment technologies including Site Characterization and Assessment Penetrometer System (SCAPS), laser induced fluorescence (LIF) device and the GeoVIS soil video imaging system. These technologies show promise in assessing plume boundary, mapping fuel saturation, and visually observing fuel contamination in the subsurface condition.

9. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

Model Standard Urban Storm Water Mitigation Plan

Staff has reviewed the Copermittees' Model Standard Urban Storm Water Mitigation Plan (SUSMP), which was submitted to the Regional Board on February 21, 2002. The Model SUSMP addresses how the Copermittees will manage urban runoff from new development and significant redevelopment. The review of the Model SUSMP found the document to be largely compliant with the San Diego Municipal Storm Water Permit (Permit) requirements. However, some sections of the Model SUSMP were found to be

inconsistent or non-compliant with particular requirements of the Permit. In such instances, staff has proposed modifications to the Model SUSMP.

The modified Model SUSMP, including a Staff Report discussing the proposed modifications, was issued for public comment on April 16, 2002. A meeting with the Copermittees to discuss the proposed modifications to the Model SUSMP is also scheduled for May 8, 2002. Comments on the proposed modifications are due to the Regional Board on May 16, 2002, after which staff will be reviewing and responding to comments received. It is anticipated that the Model SUSMP will be presented to the Regional Board for consideration of approval at the June 12, 2002 Board Meeting. Following final approval of the Model SUSMP by the Regional Board, the Copermittees will have six months to implement their programs to manage urban runoff from new development and significant redevelopment.

Compliance Evaluations

This fiscal year, USEPA has provided funding to the State in the form of compliance evaluations of municipal urban runoff management programs. In May 2002, USEPA and its contractor Tetra Tech, Inc. will be conducting compliance evaluations of the municipal urban runoff management programs of the City of Carlsbad, the City of Chula Vista, and the City of El Cajon. Regional Board staff will be participating in these evaluations. The approximately week-long compliance evaluations are a detailed assessment of each city's overall success in meeting the requirements of the Permit, including in-field verification of program implementation. The evaluations also include consideration of the overall effectiveness of each program, in addition to identification of exemplary elements of the programs. Following completion of the compliance evaluations, a report is generated which identifies program deficiencies and positive program attributes.

10. General Permit for Hydrostatic Test Water and Potable Water Discharges (*Sabine Knedlik*)

The Industrial Compliance Unit is working on a general NPDES permit that would regulate hydrostatic test water and potable water discharges to surface waters in the San Diego Region. Hydrostatic test water and potable water discharges can result from maintenance and repair activities on tanks, vessels, pipelines, and reservoirs. Staff held a workshop on May 3, 2001 for the first draft of the tentative Order. Sixty-four people attended the workshop. The concerns raised at the workshop as well as all comments received on the tentative Order have been reviewed and a number of revisions to the tentative Order have been made. Attendees of the second workshop, held by staff on February 27, 2002, were encouraged by the revisions but recommended the formation of a Technical Advisory Committee (TAC). A TAC was formed two weeks after the workshop. Members on the TAC include representatives of the San Diego County Water Authority, Helix Water District, City of San Diego Water District, City of Poway, Valley Center Municipal Water District, and Vallecito Water District. The purpose of the TAC is to help identify and possibly resolve outstanding issues posed by the tentative Order. A major concern by representatives of the water districts is that the permit requirements would conflict with regulations set by the Department of Health Services and other

agencies that regulate drinking water. For example, line flushing for drinking water quality reasons is a common occurrence and has to be done within hours after a problem has been detected. Other issues included requirements for discharges to Municipal Separate Storm Sewer Systems and monitoring. With input from the TAC, a third draft of the permit is being developed. The Board's consideration of the draft permit will be scheduled in the near future.

11. Warm Springs Creek Restoration (*Deborah Woodward*)

Staff continues to work with the Riverside Land Conservancy (RLC) to develop a project that would widen and at least partially restore a narrow, concrete-lined section of Warm Springs Creek in the City of Murrieta (as described in the December 2001 and February 2002 EO reports). The channelized section is relatively short (1600 feet) but extremely important because it fragments one of the few, otherwise intact creek corridors remaining in Riverside County. Before the opportunity to restore this 'bottleneck' section of Warm Springs Creek is lost, staff has recommended either the acquisition of some land adjacent to the channel or the establishment of a conservation easement. Property along the north side is already developed, but property to the south is still vacant, though soon to be developed. The RLC has been working to obtain a strip of land along the south side that would allow for eventual channel widening and restoration.

Progress has been made toward developing a feasible approach for the project. In a first meeting between the RLC, RWQCB staff, City of Murrieta planners, and Riverside County Flood Control engineers (March 11, 2002), John Robertus set the tone with persuasive opening comments urging the protection of streams along with their full range of beneficial uses. The RLC suggested ways to alter certain site plans to allow for an easement, and the City and Flood Control District showed willingness to work out a solution. That and several subsequent meetings have achieved two encouraging results. First, there is now a cooperative effort and commitment among the agencies to pursue the project. Second, there is now a strategy to provide for a conservation easement. The strategy involves shifting development away from the channel by reducing front set-back requirements, reducing the width of a landscaped strip adjacent to the channel, and combining access roads for fire and flood control – concessions that could provide at least a 40-foot easement along the channel. Further gains may be possible if arrangements can be made for shared parking and, hence, smaller parking lots.

The RLC now plans to present the restoration concept to the affected property owners and, hopefully, negotiate an agreement with them regarding the proposed land acquisition and establishment of easements. If successful, the next steps will be to resolve the dimensions of conservation easement, acquire the easement, conduct hydraulic analyses, and determine the design of the restored channel.

12. Proposition 13 – Status of Grant Applications (*Deborah Woodward*) (*Attachment B-12*)

In February, the SDRWQCB received 71 applications for the Prop 13 (Costa-Machado Water Quality Act of 2000) water quality/watershed grants program. Staff has now completed their evaluation of the applications, or 'concept proposals,' and selected 27 to

move forward to the full proposal stage of the competitive awards process. The others were found to be less competitive (30), multi-regional (7), or ineligible (7). All applicants were notified of the results of staff review on April 5. The 27 successful applicants listed in Attachment B-12 were formally invited to submit full proposals.

Concept proposals were evaluated for three Prop 13 programs: 1) Coastal Nonpoint Source Pollution Control, 2) Nonpoint Source Pollution Control, and 3) Watershed Protection. Three to eight staff members evaluated each concept proposal, then reached a joint decision as to whether to invite a full proposal. For the Coastal Nonpoint Source program, the decisions to invite full proposals were made jointly with the California Coastal Commission.

The 27 selected concept proposals request a total of \$24.1M. This amount is perhaps twice as much as our region can expect to be awarded, as the total amount available (\$43.8M) will be shared among San Diego, Orange, Los Angeles, Ventura, Riverside, and San Bernardino counties, an area represented by five Regional Boards.

Full proposals are due June 7, 2002. Staff will evaluate the full proposals and recommend the most worthwhile to the SWRCB for funding. Final selection and announcement of awards by the SWRCB is expected to take place in October 2002. Information about the Prop 13 grants program, including the Request for Proposals, is available on the State Board web site, <http://www.swrcb.ca.gov/prop13/index.html>.

13. Landfill Status

Gregory Canyon Landfill - Proposed *(Carol Tamaki and John Odermatt)*

On April 25, 2002, the Regional Board staff received revisions to the Report of Waste Discharge (ROWD)/Joint Technical Document (JTD) for the proposed Gregory Canyon Landfill. The submittal is a follow-up to the meeting (on March 26, 2002) including a representative of Gregory Canyon Limited (GCL), technical consultants to GCL, State Board staff and Regional Board staff. The draft submittal is intended to address the following topics: modifications to the storm water control and sediment basin design; a preliminary liner performance evaluation/demonstration (per 27 CCR, Section 20080)-using the performance of a double liner system design normally required for hazardous waste facilities (Class I) versus the proposed double composite liner systems; and remaining slope stability responses.

San Marcos Landfill – Closure *(Carol Tamaki and John Odermatt)*

On April 23, 2002, the Regional Board staff and State Board staff met with the County DPW staff to discuss their proposed revisions to the Report of Waste Discharge (ROWD)/ Joint Technical Document (JTD) for closure of San Marcos Landfill. Most of the issues identified in the Regional Board staff letter (dated February 8, 2002) have been addressed in the County's revised submittal. Two remaining issues to be resolved include the refining the methods used in conducting the evaluation of slope stability and submittal of a groundwater monitoring report identifying all the contaminants of concerns (COC Report) for the facility. Further discussion of the methods employed for the slope stability

analysis will take place involving the Regional Board and State Board staff. A COC Report is an essential data required in developing a final ground water monitoring program for the site.

Anza Landfill – Closure *(Amy Fortin and John Odermatt)*

Pursuant to California Code of Regulations, Title 27 (27 CCR), Sections 21585 and 21710, dischargers proposing to initiate closure of municipal solid waste (MSW) landfills must prepare a Report of Waste Discharge (ROWD) and submit it to the Regional Board as a Joint Technical Document (“JTD”). On March 15, 2002, the Regional Board received a JTD from the County of Riverside, including an amended Report of Waste Discharge (ROWD) for the final closure of the Anza Sanitary Landfill. The current version of the JTD contains a proposal to construct an engineered alternative to the prescriptive standard landfill cover system required by 27 CCR. The Regional Board can allow engineered alternatives to prescriptive standards if the discharger makes the requisite demonstrations identified in 27 CCR, Section 20080.

The current JTD does not include complete analyses and information as required by 27 CCR. The Regional Board staff have reviewed the JTD and determined it to be incomplete at this time. The County of Riverside was notified their JTD was deemed to be incomplete in a staff letter dated April 15, 2002. The Regional Board staff anticipates meeting with the County of San Riverside to discuss written comments on the JTD before the County submits a revised JTD.

San Diego Region Burn-ash Sites *(Amy Fortin and John Odermatt)*

Cal-EPA has convened a work group including the State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC) and the Integrated Waste Management Board (CIWMB) to address various issues related to the management of wastes from burn-ash sites. Cal-EPA has compiled a list of 527 burn-ash sites statewide of which 53 sites are located within the San Diego Region. Residual wastes associated with these sites commonly contain elevated and/or hazardous concentrations of metals (e.g., lead, copper, chromium, etc.). Depending upon the site-specific location and nature of the wastes, the threat to water quality from these sites may be significant.

38th and Quince Street Burn-ash Cleanup: On April 10, 2002, the Regional Board approved a conditional waiver of waste discharge requirements for the creation of temporary waste piles (Resolution R9-2002-0069) during the cleanup and abatement of burn-ash wastes. On April 30, 2002, the City of San Diego indicated to the Regional Board staff that the City is working through remaining issues with individual property owners and the U.S. Environmental Protection Agency plans to begin excavation of burn-ash waste on May 30, 2002. The estimated duration of the cleanup project is 60-days (or until the end of July 2002).

Rainbow Canyon Landfill (A.K.A. Temecula Landfill): On April 17, 2002, the U.S. Postal Service returned the letter sent to Dr. Grewal (via certified mail) dated March 28, 2002. The USPS marked the letter as not being claimed by the addressee. The letter was a

written request for further information regarding the ownership of the Rainbow Canyon Landfill. The Regional Board staff generated a revised copy of the letter (dated April 22, 2002) extending the due dates for requested information to May 6, 2002 and May 17, 2002. On April 21, 2002, a revised copy of the letter was served on Dr. Grewal, the Regional Board received a receipt from the Knox Attorney Service, Inc. (dated April 22, 2002).

On April 15, 2002, the Regional Board received the following information from Dr. Grewal: 1.) contact information (e.g., name, mailing address and telephone number) for the current owner of the parcel including Rainbow Canyon Landfill; 2.) the correct assessors parcel number for the property including the Rainbow Canyon Landfill and 3.) the results from a title search for the property containing the Rainbow Canyon Landfill. The Regional Board staff reviewed the information with State Board OCC staff on May 1, 2002.

Radioactive Waste Constituents in Municipal Landfills *(John Odermatt)*

On March 11, 2001, the State Water Resources Control Board (SWRCB) surveyed the nine California Regional Water Quality Control Board (RWQCBs) for information on the disposal of radioactive wastes at municipal solid waste (MSW) Class III landfills. The results of the survey conducted by the SWRCB are summarized as follows:

At most landfills, there is no load checking procedure for radioactive waste and the acceptance of radioactive wastes can not be completely ruled out.

Radioactive materials are found in wristwatches (radium or tritium), glaze in dinnerware (uranium), smoke detectors (americium), porcelain in false teeth, and other household products. In addition, potassium-40, a radioactive element, is found in many foods such as bananas and salt substitutes. These products and foods are or have been disposed of in landfills.

Naturally occurring radioactive material (NORM), such as fertilizers, granite building stones, coal and its combustion products, and petroleum exploration wastes, are also disposed of in California landfills.

Groundwater and leachate are not monitored for radioactive materials except at some landfills (Class I and Class II) that knowingly accept radioactive waste.

Based upon the above conclusions, the SWRCB identified a need to establish basic information on radioactivity characteristics of leachate and groundwater beneath active landfills in the State.

Further the SWRCB identified the following minimum sampling requirements for groundwater and leachate samples: gross alpha particle activity, gross beta particle activity, and tritium. In addition, if gross alpha particle activity exceeds 5 picoCuries/liter (pCi/L), then an additional sample from the same location shall be analyzed for radium-

226 and radium-228. If the sample exceeds 15 pCi/L gross alpha particle activity, it also needs to be analyzed for uranium.

On April 25, 2002, the Executive Director of the SWRCB issued a request for the Regional Boards to forward the requested analytical results to the SWRCB by September 30, 2002. To obtain the information requested by the State Board, the Regional Board staff is developing written requests for information on radioactive constituents for the following municipal solid waste landfills: Prima Deshecha (Orange County), Anza (Riverside County); San Onofre and Las Pulgas (USMC); Ramona, Sycamore, and Otay Class III (Allied Waste Inc.); San Marcos (County of San Diego), and West Miramar (City of San Diego).

Duck Pond Landfill (*Brian McDaniel and John Odermatt*)

On February 1, 2002, the Regional Board Executive Officer signed Addendum No. 3 to Cleanup and Abatement Order (CAO) No. 95-66 for the Duck Pond Landfill. The addendum formalized site maintenance requirements, noted the recent address change for the Regional Board office, and required the submittal of a technical report (by March 18, 2002) to provide for an evaluation of the present landfill cover. Regional Board staff received a request from counsel of the City of National City dated March 16, 2002 to allow for additional time in order to complete the technical report submittal. Partial information was submitted April 11, 2002 and is currently under review by Regional Board staff.

On April 15, 2002 the Regional Board Executive Officer met with representatives of the San Diego Office of County Council and the City of National City. The meeting was held to discuss concerns regarding recent on-site construction activities and a notice of violation issued by the Air Pollution Control District (APCD) concerning the status of the site's methane gas emission system. On April 26, 2002, the Office of County Council submitted a request to the Executive Officer to address additional questions and coordination for sites where both the County's Local Enforcement Agency (LEA) and the Regional Board have jurisdiction. The Regional Board staff is currently coordinating a meeting between representatives of the Air Pollution Control District and the County of San Diego Local Enforcement Agency (LEA).

14. *Caulerpa taxifolia* Eradication and Prevention Activities (*Chiara Clemente*)

(Attachment B-14)

Eradication and Surveillance Update

Eradication and surveillance efforts continue in Agua Hedionda Lagoon. The most recent of the (quarterly) surveys of the three lagoon basins resulted in finding a previously unidentified occurrence of *Caulerpa taxifolia* in the east basin (see attached 2/28/02 NC Times article), in addition to some small patches of *Caulerpa*, in close proximity to larger patches that were previously tarped and treated with chlorine. Surveys of the west and middle basins found no *Caulerpa* in those areas.

Southern California *Caulerpa* Action Team (SCCAT)

Staff continues to participate in and chair the SCCAT meetings. The last SCCAT meeting was held on March 28, 2002. The next meeting is scheduled for May 2. The SCCAT steering committee consists of representatives from the San Diego and Santa Ana Regional Water Quality Control Boards, California Department of Fish and Game, US Department of Agriculture, and National Marine Fisheries Service. Representatives from other organizations also participate in SCCAT.

Resources and Funding

San Diego County Supervisor, Pam Slater (3rd District), submitted a \$13.8 million proposal to the Governor for a five-year program to eradicate *Caulerpa taxifolia* from Agua Hedionda Lagoon and Huntington Harbour (see attached 4/14/02 NC Times article). At the request of the Resources Agency, Regional Board staff put together a summary of funding needs for a response program that encompasses eradication, detection, and prevention of *Caulerpa taxifolia* infestations.

Regional Board staff continues to work with the City of Carlsbad to mobilize the \$700,000 grant from the Cleanup and Abatement Account awarded by the State Board in November 2001 to the City of Carlsbad for eradication and surveillance efforts in Agua Hedionda Lagoon. Also, staff is working with the United States Department of Agriculture (USDA), to develop a contract and scope of work to encumber \$600,000 of 319(h) funds obtained from the State Board in 2001 for research on eradication methods in high-energy coastal environments.

Three Regional Board staff (Bruce Posthumus, Lesley Dobalian, and Chiara Clemente) are currently working part-time on *Caulerpa* eradication and prevention activities. In FY 01-02 approximately one staff year will be spent on this problem, and our non-point source program resources fund the majority of this work.

Public Outreach

Following four meetings with Agua Hedionda Lagoon recreational user group representatives, on March 27, the SCCAT steering committee held a community meeting to present an "Interim Management Plan". The Plan, which is posted on the Regional Board web-site (http://www.swrcb.ca.gov/~rwqcb9/News/Caulerpa_taxifolia/caulerpa_taxifolia.html), outlines the conditions for use of the lagoon, during periods when lagoon surveys are being conducted (see attached 3/19/02 UT article). The public that attended the workshop seemed supportive of the Plan. The SCCAT steering committee intends to propose the Plan to the Carlsbad City Council for their support and enforcement.

15. Pending 401 Water Quality Certification for Proposed Adobe Falls SEP (Mike Porter)
On April 30, 2002, Regional Board staff, Mike Porter, visited the *proposed* Adobe Falls (Alvarado Creek) Supplemental Environmental Project (SEP) area as part of the 401 Water Quality Certification application evaluation process. This particular SEP is one of eight projects proposed by the City of San Diego in settlement of the ACL against the City for the large sewage spill into Alvarado Creek.

At the invitation of Rick Ryan, long-time resident of the Adobe Falls neighborhood, Mike Porter toured the SEP area to validate Mr. Ryan's concerns about the SEP. Mr. Ryan is concerned that the proposed SEP will do more environmental harm than good. The SEP proposes to remove all non-native plants. While generally this is a good thing, in this case, removal of the 41 very large (30-70 feet) palm trees will temporarily degrade water quality for an estimated 5-10 years until the planted native species reach semi-maturity. Currently the non-native palm trees are anchoring the creek banks and bottom and providing a riparian-like (shading) canopy. Even though these palm trees are competing with native trees (willows, cottonwoods & sycamores), the palms are providing significant water quality functions by moderating water temperature, controlling erosion, and assimilating excess urban pollutants.

Presently, staff is still evaluating the 401 Water Quality Certification application. Preliminary findings indicate conditional certification may be warranted. The potential conditions may include leaving the tall palms in place that are providing water quality benefits and hand clearing (non-mechanized) the remaining palms and other non-native plant species.

16. Status of Supplemental Environmental Projects (SEP) Report (Mark Alpert)
(Attachment B-16)

In response to a request for an update on the status of Supplemental Environmental Projects (SEP) approved by the Regional Board, we have prepared the attached summary table (B-16). The SEP summary table provides information we hope is useful regarding the projects such as, the objective, the responsible party & trustee, ACL Order number and monetary amount, watershed, Regional Board contacts, and current SEP status.

Since 1996, the Regional Board has approved a total of 17 projects valued at more than 4 million dollars. Four of these projects with a value of 1 million dollars were approved in February 1996 as part of a settlement agreement with the City of San Diego. Of these 3 were completed and the remaining project the final report is pending. Since October 2000, the Regional Board in assessing Administrative Civil Liability against dischargers has approved 13 SEPs with a value of more than 3 million dollars. Of these projects, 10 are associated with Administrative Civil Liability (ACL) against the City of San Diego for the sewage spills (8 for the Adobe Falls spill – Order no. 2000-103, and 2 for the Tecolote Creek spill– Order no. 2001-174). The remaining 3 projects are associated with ACLs against developers of construction projects (2 with Encinitas Ranch construction site, Order no. 2001-173 and 1 for North Plaza construction site, Order no. R9-2002-0007).

17. Compliance Assurance Report, 1st Quarter 2002 (Jan 1 – March 31, 2002) (Mark Alpert) (Attachment B-17)

The table below summarizes discharger compliance and enforcement for the 1st Quarter 2002 using data from the SWIM (System for Water Information Management)

Compliance Module database. During the period Regional Board staff identified **365** violations. The report entitled **Violations by Type** (Attachment B-17) provides a detailed list of all the violations and the enforcement actions associated with those violations during the reporting period.

Please note that not all of the violations and compliance data are entered into SWIM. Recording of violations and enforcement actions related to the following programs are not commonly included in the SWIM database: underground tanks, aboveground tanks, sewage spills, Department of Defense, and SLIC (Spills, Leaks, Investigations, and Cleanup). The compliance information for these programs are stored in other databases maintained by the State. The State Board's goal is to have all of the Regional Board's compliance information contained in the SWIM compliance module and is working toward resolving this issue in the near future.

Water Quality Violations Jan 1 – March 31,2002	Number of Violations	Enforcement Action				
		Staff enforcement	Notice of Violation/ NTC	13267 Letter	Clean-up & Abatement	Admin. Civil Liab. Order
Category 1 Pollutant (CAT1)	90	24	7			
Category 2 Pollutant (CAT 2)	13	3	2			1
Other Effluent Violation (OEV)	75	4	11	7	1	
Chronic Toxicity (CTOX)	0					
Acute Toxicity (ATOX)	0					
Non-effluent Permit Condition (PRMC)	43		11		1	
Failure to Submit or Deficient Report (RPT)	50	1	1	23	1	
Compliance Schedule (CSCH)	0					
Pretreatment (PRET)	0					
Sanitary Sewer Overflow (SSO)	13					
Unregulated Discharge (UNRD)	1		1			
Release to Groundwater (RLGW)	0					
Failure to Notify per Req't (NOTR)	0					
Failure to Pay Fees (PAYF)	77	1	2			
Failure to Obtain Permit (OBPR)	1				1	
Previous Enforcement Action (PENF)	2	1	1			
Basin Plan Prohibition (PROH)	0					
Total	365	34	36	30	4	1

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Clean Water Act Section 303(d) List of Impaired Waters – 2002 Update (*James Smith*)

The statewide update of the list of impaired waters for Section 303(d) of the Clean Water Act is now under the control of the State Water Resources Control Board (State Board). Recommendations from the Regional Water Quality Control Board, San Diego Region (Regional Board) have been accepted as put forth in the final report (dated March 2002 and attached to last month's Executive Officer's Report). Regional Board staff will now be supporting the State Board in answering questions and dealing with region-specific issues during the formal public review period.

The State Board has compiled a single, statewide list of impaired waters that was released for public review on April 2, 2002. The State Board will be conducting public hearings in Sacramento on May 23 and 24 and in Ontario on May 30, 2002. Regional Board staff will be attending the meeting in Ontario. The State Board plans to formally adopt the single statewide list in September 2002 and will submit the report to the USEPA in October 2002.